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ABSTRACT

The Policy Analysis Study of the Research Institute on Preschool Mainstreaming investigated the manner in which states and local districts have implemented the U.S. Office of Special Education Programs' recommendation that preschoolers with mild to moderate disabilities participate in mainstream programs such as Head Start. A national survey of state education agency administrators, Head Start administrators, local education agency directors, and parents in 10 states was conducted in an effort to determine whether particular education policies presented barriers to mainstreaming. Survey respondents were asked if there were disincentives to mainstreaming in their states and communities in the areas of: (1) public school accountability for program standards and supervision; (2) fiscal and contracting procedures; (3) transportation policies; (4) use of private or nonpublic agencies; (5) conflicting policies; (6) personnel policies; (7) curricula or methods requirements; and (8) values or attitudes. Problems were most frequently found in policies concerning program standards and personnel; fiscal matters; eligibility; transportation; and coordination. A total of 21 case studies were conducted as a means of following up on the disincentives. It was found that certain states and local agencies had discovered useful and innovative remedies for each of the types of disincentives discovered by the survey. A list of four references, and a list of resources on early childhood policies and programs, are appended. (SAK)

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ED338403

POLICY AND PRACTICE IN EARLY CHILDHOOD

SPECIAL EDUCATION SERIES[1]

IDENTIFYING POLICY OPTIONS FOR PRESCHOOL MAINSTREAMING

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and

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1991

PS 019992

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IDENTIFYING POLICY OPTIONS FOR PRESCHOOL MAINSTREAMING

Research and best practice indicate that for preschool (3-5 year old) children with mild to moderate disabilities, special education and related services are more effective if provided in appropriate mainstream settings -- settings generally for typical children, e.g., Head Start, child care, kindergarten, etc. (Strain, 1990).

However, while best practice encourages mainstream placement, public policies present disincentives to public school personnel wishing to institute such practices. Indeed, given the typical lack of public school preschool programs for non-disabled children (except kindergarten), school administrators ask, "How can we mainstream preschoolers with disabilities when we do not have programs for their typical peers?". Sykes (1988) explains the dilemma by pointing out that special education placement options have been driven historically by the "least restrictive environment" (LRE) policy of Part B of the Individuals with Disabilities Education Act (IDEA - often referred to as P.L. 94-142)[1]. This LRE policy requires that "...removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." (§ 612 (5)(B)). This policy is clear when applied to decisions about placement options for school-aged children. However, when applied to preschool-aged children, the policy is far less clear. For example, what is the interpretation of "removal... from the regular

[1]In 1990 the Education of the Handicapped Act (EHA) was reauthorized by Congress and retitled the Individuals with Disabilities Education Act (IDEA).

educational environment" or "regular classes" when the school does not provide educational programming to preschoolers without disabilities? Thus, in an attempt to meet the federal requirements of Part B of IDEA of full services by 1991-92 to all eligible preschoolers and to follow best practice (e.g., providing mainstreamed experiences), schools find themselves in an uncertain policy and legal position.

The U.S. Office of Special Education Programs (OSEP) addressed these issues in 1989 by adding a clarifying "comment" to the LRE regulation provisions under Part B of IDEA. This "comment" reads:

> "The requirements of §300.552 ["placements"], as well as the other requirements of §300.550-§300.556 ["Least Restrictive Environment"], apply to all preschool handicapped children who are entitled to receive a free appropriate public education. Public agencies that provide preschool programs for non handicapped children must ensure that the requirements of §300.552(c) [requirements related to LRE] are met. Public agencies that do not operate programs for non-handicapped preschool children are not required to initiate such programs solely to satisfy the requirements regarding placement in the least restrictive environment embodied in §300.550-§300.556. For these public agencies, some alternative methods for meeting the requirements of §300.550-§300.556 include: (1) Providing opportunities for the participation (even part-time) of preschool handicapped children in other preschool programs operated by public agencies (such as Head Start); (2) Placing handicapped children in private school programs for non-handicapped preschool children or private school preschool programs that integrate handicapped and non-handicapped children, and (3) Locating classes for handicapped preschool children in regular elementary schools. In each case the public agency must ensure that each child's placement is in the least restrictive environment in which the unique needs of that child can be met, based upon the child's individualized education program, and meets all of the other requirements of §300.340-§300.349 [IEP] and §300.550-§300.556" (34 CFR, 300.552).

With this regulatory language, OSEP added its voice to the field of early childhood special education (ECSE) (McLean & Odom, 1988) by encouraging schools to look beyond the boundaries of the schoolhouse walls to the larger community in order to

identify mainstream settings for 3-5 year old children with disabilities -- settings where their age mates are found such as child care programs or Head Start. Or, where schools have instituted other early childhood initiatives such as school-based child care or pre-kindergarten programs for "at-risk" children, their early childhood special education (ECSE) program and children with disabilities have been integrated into these initiatives and programs.

But to what extent have these recommended practices been implemented? What federal, state, and local policies are standing in the way of preschool mainstreaming? How have these policy barriers been addressed? The Policy Analysis Study of the Research Institute on Preschool Mainstreaming has been funded for five years by the U.S. Office of Special Education Programs to answer these questions. To do so, the Policy Analysis Study has conducted a nationwide survey asking respondents to identify policy disincentives to preschool mainstreaming. The Study then conducted a series of case studies to investigate how state and local education agencies have succeeded in changing these policy disincentives. This paper summarizes the preliminary results of these activities.

Policy Survey and Case Studies

A national survey was conducted to ask if particular education policies were presenting barriers to mainstreaming. Surveys were sent to all state education agency (SEA) special education directors and state education agency preschool coordinators, Interagency Coordinating Councils with a birth-5 focus, Head Start Resource Access

Programs', and a sample of parents, child care and Head Start programs, and local education agency (LEA) directors of special education in 10 states. Definitions of the key terms were provided: preschool children with disabilities (3, 4, and 5 year old children with mild to moderate disabilities who are eligible for special education); policies (written public policies including laws, regulations, fiscal or contracting procedures, etc.); mainstream settings (settings where typical children are found).

Survey respondents were asked if the following specific policy areas were serving as disincentives to mainstreaming in their state and communities:

- public school accountability for program standards and supervision
- fiscal and contracting procedures
- transportation policies
- use of private or non-public school agencies
- conflicting policies (eligibility, due process, etc.)
- personnel policies
- curricula or methods requirements
- values or attitudes

The eight questions asked specifically: a) are there policies related to the issue that are disincentives to mainstreaming; b) are they local, state, or federal policies; c) what is the degree of the problem (1-5); is there anyone who has "solved" the problem.

The overall survey return rate was 53%. For special education administrative staff, i.e., local and state special education directors and state special education preschool (Sec. 619) coordinators, the response rate was 55%, 60%, and 71%

respectively.

The surveys were analyzed for (a) policy disincentives, (b) policy documents sent by respondents which either depicted disincentives or remedies to disincentives, and (c) all recommendations of people or agencies which had developed creative solutions or remedies to policy barriers. The most frequently cited policy disincentives and remedies from the surveys and other policy documents were grouped into 5 categories. These policy categories are:

- Program Standards and Personnel Policies: program characteristics; personnel characteristics; supervision of special education implementation; and contracting policies related to "approval" policies for non-public school placements.

- Fiscal Policies: primarily governing the use of funds, i.e., limitations on the use of certain funding sources for certain personnel or students; or limitations on the use of funds in or for non-public school settings including separation of church/state prohibitions. Sources of funding including tax bases etc. are included in this category. Also this category includes how funds are generated, i.e., child count or per "unit", amounts available (re: rate-setting, amounts needed for mainstreaming, etc.); and how much time and service for which to contract.

- Eligibility Policies: refers to differences in how children are deemed "eligible" for services between special education and mainstream entities (Head Start, Child Care, Chapter I of the Elementary and Secondary Education Act, Kindergarten, etc.).

- Transportation Policies: availability, schedules, appropriateness of vehicles, and prohibitions on non-public school or district use.

- Coordination Policies: coordination of procedures, programs, services, etc. critical to the planning, placement, and service delivery of special education and related services in mainstream settings.

To gain a better understanding of the disincentives as well as "remedies" to the disincentives, case studies were conducted. There were a total of 21 case studies;

6 at the state level (state special education preschool coordinators) and 15 at the local level (local public school administrators or preschool coordinators). State and local dyads were selected in 6 states in order to study both state and local policies and experiences. Case study subjects were selected if they met one or more of the following criteria: (a) their responses on the survey were extensive and indicated experience with several of the policy areas, (b) they were "nominated" by a survey or case study respondent as someone who had "solved" a policy disincentive, or (c) they were known by project staff to have an exemplary early childhood mainstream program. All potential subjects were contacted by telephone and agreed to participate. They were then sent a confirmation letter which outlined the purpose of the case study, confidentiality, definitions, the policy areas and a list of sample interview questions. All interviews were audiotaped and responses recorded independently by two investigators. Copies of policies that were disincentives to mainstreaming and potential remedies were solicited. The interviews and policy analysis provided an in-depth study of each policy area and whether the disincentives were a result of the actual policy or an interpretation of the policy. The effects of the policy on mainstreaming and the remedies to the disincentives were explored with each respondent.

Policy Disincentives and Remedies

Program Standards and Personnel Policies

State and local respondents reported that because of federal (Part B, IDEA)

requirements related to program and personnel standards, local education agencies (LEAs) are reluctant to place children in private community mainstream settings like child care and Head Start for their special education and related services. Respondents reported that these settings do not meet state standards governing "personnel" and are not under the direct supervision of the school district. An overall lack of "quality" programs for potential mainstream settings was cited by many respondents. A lack of program quality monitoring procedures was also cited as a barrier to placing preschool children with disabilities in private, community-based mainstream preschool settings.

Program Standards Policy Disincentives: Section 300.4 of the federal regulations governing Part B, IDEA states that a free, appropriate, public education to which children with disabilities are entitled must (a) be provided at public expense, under public supervision and direction and without charge, and (b) meet the standards of the state education agency. The current "approval" procedures for non-public school placements which address these issues in most jurisdictions do not translate well when seeking placement for a preschool child with disabilities. These state "approval" procedures were developed for school-aged students and for the purposes of placement in a more restrictive setting. Therefore, the "standards" the program must meet are usually inappropriate for the purpose of assessing the "quality" of a preschool mainstream site.

Program Standards Remedies: Initially, schools interpreted the federal program standards requirements (Part B of IDEA, §300.4) to mean that only state or local education agency programs could serve as special education settings. However, in an attempt to meet the LRE requirements of Part B including considering community-based settings as mainstream alternatives, schools have developed options for meeting the requirements of supervision, program standards, and LRE. Options have included:

- ***Developing standards and non-public school program approval procedures that are specific to preschool environments: using the approval mechanism available through other state agencies which govern preschool and child care; adopting guidelines for approval that are germane to preschool programs such as the accreditation procedures of***

the National Academy of Early Childhood Programs of the National Association for the Education of Young Children;

- ***Utilizing parent-initiated placements, which are not subject to the same approval procedures;***

- ***Requiring contracting agencies to sign "assurances" much like those required by the LEA and SEA under Part B, IDEA;***

- ***Developing a list of "indicators of quality" to guide LEAs and parents in making decisions regarding mainstream options;***

- ***Developing compliance monitoring systems for program quality to be used for all programs, whether school-based or community-based.***

Personnel Disincentives: In addition to program approval requirements, personnel standards are serving as a barrier to mainstreaming. Federal and in some cases state policies require that personnel providing special education and related services meet state education agency (SEA) standards. Section 300.12 of the Part B regulations defines qualified personnel as, "a person has met state education agency approval or recognized certification, licensing, registration, or other comparable requirements which apply to the area in which he or she is providing special education and related services." Since most community-based early childhood settings do not employ certified teachers and therapists, some school entities have determined that the sites can not be approved for the placement of preschool children with disabilities for the purposes of receiving their special education and related services. In some states, non-certified teacher's aides are required to have supervision that requires them to be within eyesight of the certified teacher at all times. Some respondents also reported that in addition to the interpretation of the policies, school personnel are reluctant to recommend the use of community-based early childhood programs because of the assumption that these programs and personnel are not appropriately trained to teach children with disabilities. Respondents reported that often LEA personnel fear a loss of control if children are placed outside of the public school system for their special education and related services. Respondents said that attitudes towards community-based personnel qualifications were serving as disincentives to preschool mainstreaming efforts as often as policies.

Personnel Remedies: In order to meet the LRE requirements of Part B, IDEA, some LEAs have developed policy options to ensure that the personnel providing the special education and related services meet state special education standards but do not require that all personnel in the mainstream site meet the standards. Examples of options are:

- ***Ensuring that special education and related services are provided under the supervision of certified special education personnel. These personnel***

include itinerant teachers, consultative personnel to the mainstream program teachers, and team teaching which couples a special education teacher and a regular education (or mainstream) teacher for all services;

- *Contracting for related services to mainstream sites in cases where there is a shortage of such personnel in the public schools;*
- *Providing incentives for underqualified teachers to upgrade their credentials to meet SEA requirements at no cost to the teacher;*
- *Developing state education personnel standards that create new (or recognize other) credentials generic to early childhood settings, i.e., the Child Development Associate, personnel standards of state agencies that govern those sites (e.g. child care licensing);*
- *Providing in-kind technical assistance and training to private, community-based preschool providers;*
- *Providing qualified program personnel in lieu of funding or tuition payments to community programs.*

Fiscal Policies

Numerous fiscal policies were cited as disincentives to mainstreaming. While there were reports of insufficient amounts of money to provide adequate preschool mainstreaming opportunities, policies related to the use of funds were cited more often as barriers to preschool mainstreaming, i.e., separation of church/state prohibitions, contracting and allocation requirements.

Separation of Church/State Disincentives: The U.S. Education Departments General Administrative Regulations (EDGAR, §76.532, p.113) provides that: "(a) No state or subgrantee may use its grant or subgrant to pay for any of the following: (1) Religious worship, instruction, or proselytization. (2) Equipment or supplies to be used for any of the activities specified in paragraph (a)(1) of this section. (3) Construction, remodeling, repair, operation, or maintenance of any facility to be used for any of the activities specified in paragraph (a)(1) of this section."

There are varying interpretations of both this section of EDGAR and similar

state policies. Some states' interpretations categorically prohibit the use of programs located in religious facilities while other states prohibit the use of such programs only if religion is present in the curriculum or if religious symbols are present in the classrooms. Many respondents questioned whether or not special education and related services could be delivered in a religiously-based facility under any conditions.

***Separation of Church/State Remedies**: Prohibitions on church/state separation vary from state to state and district to district. A continuum of creative solutions was reported by respondents. In some rural areas, preschools located in religious facilities are the only mainstream opportunities available for children with disabilities. Particularly in these areas, some LEAs have developed lists of assurances for the private preschools to sign before they will consider placing children with disabilities for their special education and related services. Included in these assurances are:*

- ***The program has a separate Board of Directors whose members sign a statement indicating that they make decisions independent of the religious facilities' Board of Directors;***
- ***The program rents space from the religious facility rather than having the space provided free of charge;***
- ***The program assures the absence of religion from the curriculum as well as the absence of religious symbols;***
- ***The program provides an audit trail that ensures separate financing.***

Some states have developed policies or clarifications regarding the use of programs located in religious facilities which prohibit such use only if the curriculum or instruction includes religious content. The U.S. Office of Special Education Programs (administers Part B, IDEA dollars) has ruled that recent court decisions (e.g., Aquilar vs. Felton, 473 U.S. 402, 87 L.Ed.2d 290) prohibiting the use of particular federal education dollars for services in programs located in religious facilities does not apply to Part B, IDEA programs and services (OSEP, 1990).

Allocation and Contracting Disincentives: A frequently cited barrier was the use of program funds allocated for one population in conjunction with programs for other populations. Specifically cited was the placement of special education-eligible children in state "at-risk" programs or programs funded under Chapter I of the Elementary and Secondary Education Act (ESEA) in order to have an integrated

program that combines a variety of teachers, resources, and children. Barriers were also cited related to an inability to "contract" funds, i.e., schools could not pay "tuition" or for related services for a child in a non-district program. An absence of policy to guide contracting (e.g. how much time for which to contract - 1/2 day vs. full day services) was also noted. Rate-setting policies that provide too low of a reimbursement to make it worthwhile for the community-based program were seen as disincentives. Finally, fiscal policies relating to how funds are generated, such as "child count" procedures, and funding formulas resulting in funding specialized classrooms rather than funding personnel, resources, or programs were reported as barriers.

Allocation and Contracting Remedies: *Some states have changed special education or general education statutory provisions in order to address the fiscal barriers to preschool mainstreaming. Others have needed to change only local procedures. Examples of more flexible policies are:*

- *Establishing a local tax base for special education programs, including preschool special education, has helped to maintain an adequate level of funding for all preschool special education including mainstream efforts;*
- *Establishing state special education funding formulas that provide for combining "fractions" of "units" to equal a full time equivalent (FTE) which may be an itinerant serving many different children at different sites;*
- *Developing funding allocation procedures across programs (special education, at-risk, child care, etc.) that allow for combinations of various funding streams to be used in one integrated program;*
- *Allowing for the actual payment of tuition in mainstream sites or the provision of services such as personnel, personnel and parent training, transportation, related services, etc. in lieu of tuition payments;*
- *Changes in the "child count" system to allow for payment for children "found" after a specified cut-off date;*
- *Developing a billing system that acts both as a method of tracking services delivered by related service personnel in mainstream settings for the purpose of documentation of IEP goals, as well as use as a billing system.*

Eligibility Policies

Eligibility refers to the methods and criteria by which children are deemed eligible for special education and related services as well as the systems used to determine which agency (LEA or private provider) would best meet the child's educational needs.

Eligibility Disincentives: Eligibility policies were reported as disincentives to mainstreaming particularly related to Head Start. Head Start's disability categories differ from federal and state special education categories and Head Start's income-eligibility requirements further restrict the children that can be placed by schools in Head Start programs. Income standards in other public early childhood programs have also posed problems. Entry criteria such as delays in self-care skills (i.e., not being toilet trained) were mentioned as barriers to mainstreaming. Some integration options within schools are limited by eligibility criteria such as Chapter I (ESEA) criteria, and pre-kindergarten and kindergarten "readiness" criteria. One state's public school early childhood program for "at-risk" children specifically excludes children with disabilities.

Eligibility Remedies: Without federal action, there are limited options to remedy the discrepancies of federal eligibility requirements for programs such as Part B of IDEA, Head Start and Chapter I of ESEA (program for "educationally deprived" children). However, in light of these constraints, some LEAs have implemented creative solutions:

- ***Schools and Head Start programs work cooperatively in the identification of children who meet LEA criteria or Head Start criteria and then the subsequent funding of those children by either the LEA or Head Start while placing them all in Head Start. For those children who meet only the Head Start criteria, Head Start provides services. For those children who meet both Head Start and LEA criteria, the children are dually enrolled and services provided by the LEA. In some cases, programs are "co-located" so that they can be combined for integration experiences but with separate personnel and administrative staff;***

- ***Co-locating with Chapter I programs and other child care alternatives and combining classrooms while maintaining separate administration and personnel; team-teaching in Chapter I programs with children with disabilities integrated with the addition of special education personnel;***

Transportation Policies

The methods by which children with disabilities are transported to and from home, preschools, child care centers,etc. can pose difficult problems related to funding these activities, providing adequate supervision during travel, implementing flexible schedules and routes and coordinating these delivery systems.

Transportation Disincentives: Transportation policies that do not allow for flexible scheduling (matching the hours of the community-based program), flexible routes (to non-school sites or out-of-district routes) are barriers to using non-school-based mainstream programs. The lack of vehicles that are specifically designed for transporting very young children is also a disincentive to using community programs, for instance, mainstreaming children in an afternoon child care program when working parents can not transport their children.

Transportation Remedies: While transportation is an expensive activity for all education programs, there are policy options related to preschool mainstreaming that education officials have attempted to implement. Among them:

- ***Providing flexible transportation schedules and routes that coincide with schedules and locations of mainstream sites (Head Start, child care, etc.); Flexibility in crossing district boundaries when transporting to mainstream sites;***
- ***State policies that provide for transportation as a related service if it appears on the child's IEP;***
- ***Using vehicles specifically designed to transport very young children in order to increase safety;***
- ***Providing for reimbursement to families or others who provide transportation;***
- ***Utilizing the transportation provided by the mainstream site in exchange for other education agency services or resources.***

Coordination Policies

In attempting to meet the LRE requirements of Part B, IDEA, it has become necessary for various agencies to work cooperatively. Historically, SEAs and LEAs

have had only their own school systems to rely on for placement options for the provision of education to children with disabilities. Currently, cooperative efforts are working to various degrees around the country.

Coordination Disincentives: Prohibitive policies, or the lack of policies regarding coordination of programs and resources are barriers to mainstreaming. There were several reports of policies or practices that discourage or prohibit collaborative efforts between mainstream and public school programs. Some LEA respondents reported that their states have moved to a decentralized system which allows for decisions to be made at the local level. However, in some cases, the special education system remains centralized which causes coordination difficulties even within education itself.

***Coordination Remedies:** School officials frequently cited coordination across funding streams and programs as key to effective use of mainstream programs. Examples of coordination efforts are:*

- ***SEA early childhood staff (general and special education) engage in cooperative planning and activities and are sometimes organizationally "housed" together in an Early Childhood Unit in order to affect cooperation. This allows for cooperative planning of program policies across federal programs as well as state programs (i.e., educational "at-risk" preschool programs, school-based child care programs, Chapter I, etc.);***

- ***LEAs and regional early childhood staff (general and special education) engage in cooperative efforts and are also sometimes "housed" together in a district-level Early Childhood administrative unit to increase cooperation;***

- ***Local school district early childhood staff engage in cooperative activities with mainstream programs such as community program coordination and planning, or share resources such as transportation, training, related services personnel;***

- ***Local district early childhood staff plan activities which help to address the needs of community-based program staff such as cooperative training, sharing related service personnel, and parent programs.***

Remaining Issues

In addition to the identification of policy disincentives and problem areas, the

national survey asked respondents to identify the source (federal, state, local) of the policy disincentive. Respondents were further asked whether their state or LEA had written policies specific to preschool mainstreaming. The majority of respondents indicated that most of the policy disincentives derive from the state (vs. federal or local) and that there are no state or local policies specific to preschool mainstreaming. Clearly there is a need to assist states and localities in developing policies to guide their preschool mainstreaming efforts.

Further indepth policy analysis will be completed of the state and local policies submitted by case study subjects for the Policy Analysis Study. Clarification of a few federal policies will be attempted, e.g., Part B, IDEA, personnel requirements; Chapter I (ESEA) requirements regarding serving children with disabilities; and Head Start eligibility and "child counting" procedures. The Policy Analysis Study will also be attempting to obtain examples of policies that have been developed to remedy disincentives as well as any materials related to preschool-specific policies and procedures such as preschool mainstreaming approval, and quality assurance procedures.

Once this in-depth analysis is complete, an Administrator's Handbook will be developed which will include the research findings cited in this paper as well as sample documents that may be used by school districts, state agencies and private providers across the country in their efforts to develop preschool mainstreaming policies and practices.

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APPENDIX A

Resources for Information on Early

Childhood Policies and Programs

Council for Administrators in Special Education (CASE)
of the Council for Exceptional Children
615 16th Street, NW
Albuquerque, NM 87104
(505) 243-7622

The Division for Early Childhood (DEC)
of the Council for Exceptional Children
1920 Association Drive
Reston, VA 22091
(703) 620-3660

National Head Start Resource Access Program
Administration for Children, Youth and Families
Office of Human Development Services
U.S. Department of Health and Human Services
P.O. Box 1182
Washington, DC 20013
(202) 245-0562

National Association for the Education of Young Children (NAEYC)
1834 Connecticut Avenue, NW
Washington, DC 20009-5786
(800) 424-2460

National Association of State Directors of Special Education (NASDSE)
1800 Diagonal Road, Suite 320
King Street Station 1
Alexandria, VA 22314
(703) 519-3800

National Early Childhood Technical Assistance System (NEC-TAS)
Suite 500
NCNB Plaza
Chapel Hill, NC 27514
(919) 962-2001

U.S. Office of Special Education Programs
Early Childhood Branch
400 Maryland Avenue, S.W.
Washington, DC 20202
(202) 732-1084